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COSTCO WHOLESALE CORPORATION

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

PATRICIA CECILE MCCAY, an Individual,

Case No. 2:24-CV-01848-DMC

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,
and DOES 1-100, inclusive

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
OF THIRD PARTY CROSS-
COMPLAINT AS TO THIRD PARTY
DEFENDANT O'GRADY PAVING,
INC.**

Defendants.

COSTCO WHOLESALE CORPORATION,

Third-Party Plaintiff,

vs.

W.L. BUTLER CONSTRUCTION, INC., MG2
CORPORATION, O'GRADY PAVING, INC.,
GARCIA STRIPING, INC., RUBBERFORM
RECYCLED PRODUCTS, LLC, and ROES 1-
25,

Third-Party Defendants.

1 NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i) Pursuant to
2 Federal Rule of Civil Procedure 41(a)(1)(A)(i), Third Party Plaintiff Costco Wholesale Corporation
3 hereby gives notice that the third party cross-complaint is voluntarily dismissed without prejudice as to
4 Third-Party Defendant O’Grady Paving, Inc. See Fed. R. Civ. P. 41(a)(1)(B).

5 Defendant O’Grady Paving, Inc. has not served an answer or motion for summary judgment in
6 this action.

7
8 Date: February 3, 2025

JONES & DYER

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10 By: /s/ Monika D. Troike

11 MONIKA D. TROIKE
12 Attorneys for Defendant
13 COSTCO WHOLESALE
14 CORPORATION
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Patricia Cecile McCay v. Costco Wholesale Corporation
Eastern District Case No. 2:24-CV-01848-DMC

PROOF OF SERVICE

CCP Sections 1013a, 2015.5 and Rules of Court, Rule 2008

I, Ashley Velasquez, declare as follows:

I am over the age of 18 and not a party to this action.

I am a resident of or employed in the county where the mailing occurred; my business address is: **3031 F Street, Suite 101, Sacramento, CA 95816.**

On February 3, 2025, I served the parties indicated on the attached Service List the foregoing document(s) described as:

***NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF THIRD PARTY
CROSS-COMPLAINT AS TO THIRD PARTY DEFENDANT O'GRADY PAVING, INC.***

- ☐ **(by mail)** I deposited such envelope in the mail at Sacramento, California with the postage thereon fully prepaid. I am aware that on the motion of the party served, the service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **(by overnight delivery)** by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a collection box at Sacramento, California, and addressed as set forth below.
- ☐ **(by personal service)** I caused such envelope to be delivered by hand via messenger service to the address above;
- ☒ **(by electronic service)** on all parties by transmitting said document(s) from our offices by e-mail (support@jonesdyer.com) to e-mail addresses shown on the attached Service List.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury the laws of the State of California that the foregoing is true and correct.

DATED: February 3, 2025

/s/ Ashley Velasquez

Ashley Velasquez

Patricia Cecile McCay v. Costco Wholesale Corporation
Eastern District Case No. 2:24-CV-01848-DMC

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